

IN RE: PETITIONS FOR SPECIAL HEARING \* BEFORE THE  
AND VARIANCES - E/S North Point \* ZONING COMMISSIONER  
Boulevard, 809' +/- N of New \* OF BALTIMORE COUNTY  
Battle Grove Road \*  
15th Election District \*  
7th Councilmanic District \*  
Steve Dellis, et ux \*  
Petitioners \*

SECOND AMENDED ORDER

WHEREAS, by Order dated June 10 1988 and by Amended Order dated June 17, 1988 the Petitioners were granted approval of a nonconforming use for a tavern at the subject site, and denied a variance for a side yard setback of 7 feet in lieu of the required 30 feet for a proposed addition;

WHEREAS, the Petitioners requested a 7 foot side yard setback in lieu of the required 30 foot for a proposed addition to the original structure which was larger than permitted by the 25% ground floor area restriction and the non-conforming use regulation;

WHEREAS, the Petitioners submitted a revised site plan which requests a 10 foot side yard setback in lieu of the required 30 feet for a proposed addition to the original structure which complies with the 25% ground floor area ratio restriction for a non-conforming use;

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of July, 1988 that the Order dated June 10, 1988 and the Amended Order dated June 17, 1988 be and is hereby amended to GRANT a side yard setback of 10 feet in lieu of the required 30 feet for an addition to the non-conforming use tavern structure located on the subject site as more particularly described on Petitioner's Exhibit A; and

IT IS FURTHER ORDERED that all other provisions and restrictions of said Order shall remain in full force and effect.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:cer

IN RE: PETITIONS FOR SPECIAL HEARING \* BEFORE THE  
AND VARIANCES - E/S North Point \* ZONING COMMISSIONER  
Boulevard, 809' +/- N of New \* OF BALTIMORE COUNTY  
Battle Grove Road \*  
15th Election District \*  
7th Councilmanic District \*  
Steve Dellis, et ux \*  
Petitioners \*

AMENDED ORDER

WHEREAS, by Order dated June 10, 1988 the Petitioners were granted approval of a nonconforming use for a tavern at the subject site, and denied a variance for a side yard setback of 7 feet in lieu of the required 30 feet for a proposed addition;

WHEREAS, the Findings of Facts and Conclusions of Law in said Order identified the subject property as being located at 4014-4016 North Point Boulevard;

WHEREAS, pursuant to a telephone call received from Mrs. Greenwood, a current tenant of the subject property, this Office was advised that the Order incorrectly identified the address of the subject property;

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of June, 1988 that the Order dated June 10, 1988 be and is hereby amended to identify the address of the subject property as being 4020 North Point Boulevard; and

IT IS FURTHER ORDERED that all other provisions and restrictions of said Order shall remain in full force and effect.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

IN RE: Petitions for Zoning Variance and Special Hearing \* BEFORE THE  
ES North Point Blvd. 809' \* ZONING COMMISSIONER  
+/- N New Battle Grove Rd. \* OF BALTIMORE COUNTY  
15th Election District \*  
7th Councilmanic District \*  
Steve Dellis, et ux \*  
Petitioners \*

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to a Petition for Special Hearing, approval of the existence of a tavern as a nonconforming use on the subject site and a Petition for Zoning Variance to Section 255.1 (238.2) to permit a side yard setback of 7 feet in lieu of the required 30 feet, all of which is more particularly described on Petitioner's Exhibit #1.

The Petitioner appeared and testified and was represented by attorney Franklin J. Kolbe, Esquire. Mr. Greenwood, witness for the Petitioner, also testified. There were no Protestants.

The testimony and evidence tend to indicate that the subject property is located at 4014-4016 North Point Boulevard. The property is zoned M.L. CSI and has an existing tavern of 2,071 sq. ft. located along the road frontage towards the north property boundary. The Petitioner claims that the original tavern was developed at this location approximately 1953. That the tavern predates the 1971 Baltimore County Zoning Regulations (B.C.Z.R.) which changed the right of a tavern to be located in the M.L. zone. Mr. Greenwood testified that he has personally frequented this location or has worked at this location since prior to 1959. The subject tavern is indicated on the site plans in, zoning case #65-112RX, which dealt with an adjoining

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
194-3353

J. Robert Haines  
Zoning Commissioner

June 10, 1988



Dennis F. Rasmussen  
County Executive

Franklin J. Kolbe, Esquire  
532 B Allegheny Avenue  
Towson, Maryland 21204

RE: Petitions for Special Hearing and Zoning Variance  
Case No. 88-424-SPHA

Dear Mr. Kolbe:

Pursuant to the recent hearing held on the above captioned case, please be advised that your petitions for Special Hearing and Zoning Variance have been GRANTED in part and DENIED in part, copy of which is attached hereto.

If you have any questions concerning the above matter, please do not hesitate to contact this office.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner

JRH:mmm  
att.  
CC: Peoples Counsel

The testimony concerning the requested variances and the proposed expansion of this property are quite another matter. Specifically, the proposed addition requests a ground floor expansion which is in direct contradiction to Section 104 of the B.C.Z.R. Therefore, the Petition for Zoning Variance must be denied and this Order must be restricted so that the Petitioners shall not expand this nonconforming use beyond the permissible parameter set forth in the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Zoning Commissioner, the requested variance should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 10th day of June, 1988 that the Petition for Special Hearing for approval of a nonconforming use for a tavern on the subject site be and is hereby GRANTED, and a Petition for Zoning Variance to permit a side yard setback of 7 feet in lieu of the required 30 feet be and is hereby DENIED, subject to the following restrictions:

1. The Petitioner shall not expand, at all, the size of any structure upon the subject site without amending the Order in this matter. That no expansion above and beyond the 25% permitted in Section 104 shall be granted.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

JRH:mmm  
cc: Peoples Counsel

buildings, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used." (B.C.Z.R., 1955, Bill No. 18, 1976)

A nonconforming use is defined further in Section 101 as:

"Nonconforming Use: A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use. A specifically named use described by the adjective "nonconforming" is a nonconforming use." (B.C.Z.R., 1955; Bill No. 18, 1976.)

Clearly, the nonconforming requirements as set forth in the 1955 regulations applied to this case as a nonconforming use after 1971. The nonconforming section specifically states that a building may not be extended more than 25% of its ground floor area for the use which is nonconforming. The expansion requested for this project is in contradiction to the specific statutory requirements for a nonconforming use and the expansion of the ground floor.

A variance cannot be granted to the 25% floor area expansion rule. The variance cannot change the definition of the use (i.e. nonconforming) without being an illegal use variance. As a variance, it is outside the power of the Zoning Commissioner to grant.

The evidence, clearly, demonstrates that this tavern has been in existence since prior to 1971. The evidence, which is uncontradicted, indicates that this tavern has existed since approximately 1959 and that its existence until 1971 was permitted as a matter of right.

Based upon the evidence and testimony in the record, the Petition for Special Hearing for approval of a nonconforming use for a tavern on the subject site should be granted.

property.

The Petitioner provided affidavits which were accepted as Petitioner's Exhibits 2, 3 and 4. They indicate that the subject property has been used as a tavern since approximately 1959. That the evidence indicates the property was, prior to 1971, used as a tavern. There was also a caretaker's residence attached to the rear of the tavern. That in 1971, Baltimore County Council removed from the M.L. zoning all of the uses permitted, as a matter of right, in the B.R. and B.L. zones. This had previously permitted taverns in the M.L. zone.

The Petitioner intends to expand the floor area of the existing tavern. They wish to place an addition on the north side of the existing tavern facility approximately 17 x 49 feet. The site plan indicates that the proposed addition is 829 sq. ft. which is argued by the Petitioner as an acceptable and necessary enlargement of this tavern in order to promote the ongoing bar business. The Petitioner testified to his opinions concerning Section 307 of the B.C.Z.R. However, he offered no specific testimony for his reasons or beliefs concerning any of those requirements.

A nonconforming use is established in the B.C.Z.R. at Section 104.1:

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a



# PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 255.1 (238.2) to permit a sideyard setback of 7 feet in lieu of the required 30 feet.

1. The addition is required to provide additional area (storage, etc.) for the existing tavern.
2. The existing building has existed prior to 1971 and is already located closer to the side property line than the current zoning would permit.
3. This is the most practical side for the addition.
4. For other reasons to be determined at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s):  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature

Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Name  
Address  
City and State

Attorney's Telephone No. (202) 296-3843

ORDERED By The Zoning Commissioner of Baltimore County, this 2nd day of April, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of April, 1988, at 10 o'clock a.m.

J. Robert Haines  
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING (1/2HR.)  
AVAILABLE FOR HEARING (over)  
MON./TUES./WED. - NEXT TWO MONTHS  
ALL OTHER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines  
TO: Zoning Commissioner  
P. David Fields  
FROM: Director of Planning and Zoning  
SUBJECT: Zoning Petition Nos. 88-429-SPH, 88-474-SPH

In view of the subject of this petition, this office offers no comment.

P. David Fields per J. Haines  
P. David Fields  
Director

cc: Mr. Shirley M. Hess, Legal Assistant, People's Counsel  
File

RECEIVED  
APR 4 1988  
ZONING OFFICE

# PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

the existing tavern as a nonconforming use.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature

200 CRICKETT CT. 21202  
Address  
Phone No.  
LUTH. TIM. 21023 MD.  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Name  
Address  
City and State

By the Zoning Commissioner of Baltimore County, this 2nd day of April, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of April, 1988, at 10 o'clock a.m.

J. Robert Haines  
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING (1/2HR.)  
AVAILABLE FOR HEARING (over)  
MON./TUES./WED. - NEXT TWO MONTHS  
ALL OTHER  
REVIEWED BY: DATE 2-2-88

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 1st day of February, 1988.

J. Robert Haines  
ZONING COMMISSIONER  
Received by: James E. Dyer  
Chairman, Zoning Plans  
Advisory Committee

Petitioner: Steve Dellis, et ux  
Petitioner's Attorney: Franklin J. Kolbe

Phone: 687-6922

FRANK S. LEE, Jr.  
Registered Land Surveyor  
1272 NEIGHBORS AVE. - BALTIMORE, MD. 21237

January 30, 1988

Gail's Tavern  
North Point Blvd.  
15th District Baltimore County, Maryland

Beginning for the same on the northeast side of North Point Blvd. at the distance of 803 feet more or less measured northwesterly along the northeast side of North Point Blvd. from the northwest side of New Battle Grove Road, and thence running and binding on the northeast side of North Point Blvd. North 22 degrees 38 minutes West 200 feet, thence running for three lines of division as follows: North 67 degrees 22 minutes East 592.90 feet, South 41 degrees 09 minutes East 219.36 feet and South 67 degrees 22 minutes West 659.88 feet to the place of beginning.

Containing 2.87 acres of land more or less.

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland, as follows:  
Petition for Zoning Variance and Special Hearing  
Case number: 88-424-SPH  
E3 North Point Blvd., 322' x N New Battle Grove Road  
15th Election District - 7th Councilmanic District  
Petitioner(s): Steve Dellis, et ux  
Hearing Date: Wednesday, April 20, 1988 at 10:00 a.m.  
Variance to permit a sideyard setback of 7 feet in lieu of the required 30 feet.  
Special Hearing: The existing tavern as a nonconforming use.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing or set above or presented at the hearing.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
Mar. 31, 1988

# "DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., March 31, 1988  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 31, 1988.

THE JEFFERSONIAN,

Susan Seidman O'Brien  
Publisher

\$33.75

# CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 88-424-SPH Towson, Maryland

District: 15th  
Posted for: Variance & Special Hearing  
Date of Posting: 4/21/88  
Petitioner: Steve Dellis, et ux  
Location of Property: E3 North Point Blvd., 322' x N New Battle Grove Rd.  
Location of Signs: Signs on N. Pt. Blvd., corners 30' x 70' sign  
Remarks: Per party of R. H. Haines  
Posted by: J. Robert Haines  
Signature  
Date of return: 4/1/88  
Number of Signs: 2

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-5353

J. Robert Haines  
Zoning Commissioner  
Mrs. & Mrs. Steve Dellis  
200 Crickett Court  
Lutherville, Maryland 21083

Date: 4/19/88

Re: Petitions for Zoning Variance and Special Hearing  
Case number: 88-424-SPH  
E3 North Point Blvd., 322' x N New Battle Grove Road  
15th Election District - 7th Councilmanic District  
Petitioner(s): Steve Dellis, et ux  
HEARING SCHEDULED: WEDNESDAY, APRIL 20, 1988 at 10:00 a.m.

Dear Mr. & Mrs. Dellis:

Please be advised that \$104.75 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring to Office of Finance, Revenue Division, 15 minutes before

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE, REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 4/20/88 ACCOUNT: 8-01615000

AMOUNT: \$ 104.75

RECEIVED FROM: Steve Dellis et ux

FOR: 4/20/88 hearing

8 8035\*\*\*\*\*10425588-484-SPH A

VALIDATION OR SIGNATURE OF CASHIER  
Franklin J. Kolbe, Jr.  
File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-5353

J. Robert Haines  
Zoning Commissioner

MAR 03 1988

# NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Zoning Variance and Special Hearing  
Case number: 88-424-SPH  
E3 North Point Blvd., 322' x N New Battle Grove Road  
15th Election District - 7th Councilmanic District  
Petitioner(s): Steve Dellis, et ux  
HEARING SCHEDULED: WEDNESDAY, APRIL 20, 1988 at 10:00 a.m.

Variance to permit a sideyard setback of 7 feet in lieu of the required 30 feet.  
Special Hearings: The existing tavern as a nonconforming use.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
cc: Nicholas Campese  
Franklin J. Kolbe, Esq.  
Mr. & Mrs. Dellis  
File



# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 14, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Franklin J. Kolbe, Esquire  
532-B Allegheny Avenue  
Towson, Maryland 21204

RE: Item No. 279 - Case No. 88-424-SMHA  
Petitioner: Steve Dellis, et ux  
Petition for Special Hearing and Variance

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Dear Mr. Kolbe:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the petition, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:dt

Enclosures



## Maryland Department of Transportation State Highway Administration

Richard H. Trainor  
Secretary  
Hal Kassoff  
Administrator

February 26, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Baltimore County  
Cail's Tavern  
Zoning Meeting of 2-16-88  
E/S North Point Blvd.  
809' North of Battle  
Grove Road  
(Item #279)

Attention: Mr. James Dyer

Dear Mr. Haines:

After reviewing the submittal of 1-30-88 for a variance to permit a side yard set back of 7' in lieu of the required 30' and a special hearing to permit existing tavern as a nonconforming use, the State Highway Administration - Bureau of Engineering Access Permits finds the plan must be revised to show the following.

The frontage of this site must be constructed to show a 35' entrance built to State Highway Administration standards for commercial access.

Also, concrete curb and gutter must be constructed along the complete frontage of the site and S.H.A. barrier curb constructed on or behind the right of way line as shown on the plan.

It is requested these revisions be made prior to a hearing date being set.

If you have any questions, please contact Larry Brocato of this office.

Very truly yours,

Gregory J. Mills, Jr.  
Acting Chief  
Bureau of Engineering  
Access Permits

LB:maw

Attachment

cc: Mr. J. Ogle (w-attachment)

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech  
385-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll  
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief  
J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

February 11, 1988

Re: Property Owner: Steve Dellis, et ux

Location: E/S North Point Blvd., 809' +/- N of Battle Grove Road

Item No.: 279

Zoning Agenda: Meeting of 2/16/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

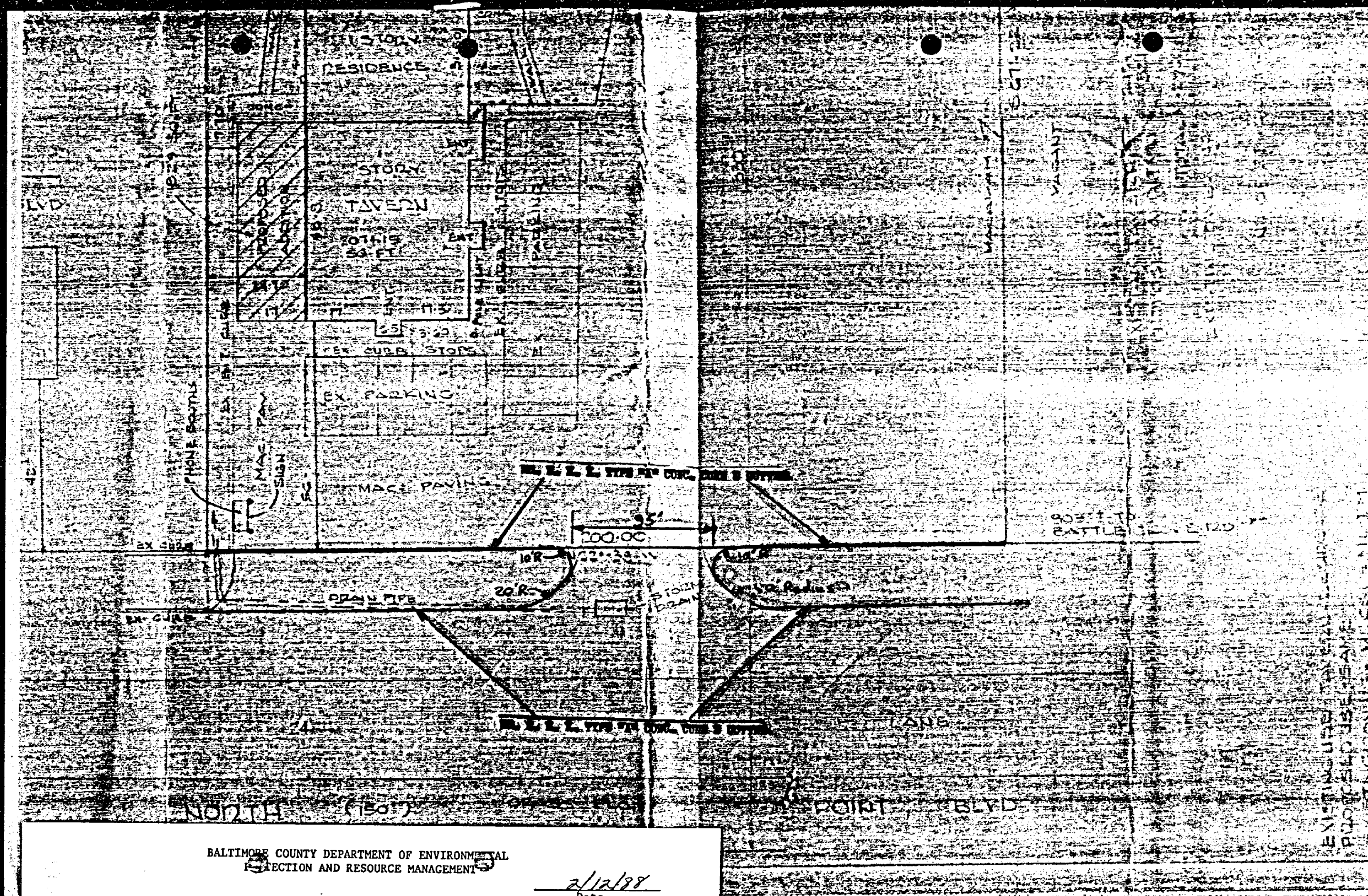
- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.

- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/s/



Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 279, Zoning Advisory Committee Meeting of February 16, 1988

Property Owner: Steve Dellis, et ux

Location: E/S North Point Blvd., 809' +/- N of Battle Grove Rd. District: 15

Water Supply: Metro Sewage Disposal: Metro

COMMENTS ARE AS FOLLOWS:

- (X) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- ( ) Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/a (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Material and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- ( ) Prior to raising of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- ( ) Soil percolation tests, have been \_\_\_\_\_, must be \_\_\_\_\_, conducted.
- ( ) The results are valid until \_\_\_\_\_.
- ( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- ( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test ( ) shall be valid until \_\_\_\_\_.
- ( ) is not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- ( ) Prior to occupancy approval, the possibility of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- ( ) Others \_\_\_\_\_

Karen D. Murray  
BUREAU OF WATER QUALITY AND RESOURCE  
MANAGEMENT

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
494-3554

March 2, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

Item No. 279 - ZAC - Meeting of February 16, 1988  
Property Owner: Steve Dellis, et ux  
Location: E/S North Point Blvd. 809' (+ or -) N of Battle Grove Road

Existing Zoning: HL-OS1  
Proposed Zoning: Variance to permit a side yard setback of 7' in lieu of the required 30' and a Special Hearing to permit existing tavern as a nonconforming use.  
Acre: 2.87 acres (+ or -)  
District: 15th Election District

Access to this site is from a State road and should meet all the State Highway Administration's standards.

Very truly yours,

Michael S. Flanagan  
Traffic Engineer Associate II

MSF/pal-b

Mr. Robert Haines  
Zoning Commissioner  
111 W. Chesapeake Ave.  
Towson, MD. 21204

Dear Mr. Haines

Please enter an appeal on the above referenced matter on behalf of the tenant of the property, Mr. Terry Greenwood. This is my appealing the variance portion of the petition.

Sincerely,  
Nicholas E. Commodari

RECEIVED ZONING OFFICE  
DATE: 7/11/88  
M. Harte

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE & REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 52836

DATE: 7-17-88 ACCOUNT: R-01-615-000

AMOUNT: \$ 90.00

RECEIVED FROM: NICHOLAS E. COMMODARI - 7607  
100 VICTORY AVENUE

FOR: APPEAL FILING CASE # 88-424-SMHA  
STEVE DELLIS, et ux - PETITIONERS  
B 032\*\*\*\*\*9000: 2135F

VALIDATION OR SIGNATURE OF CARRIER

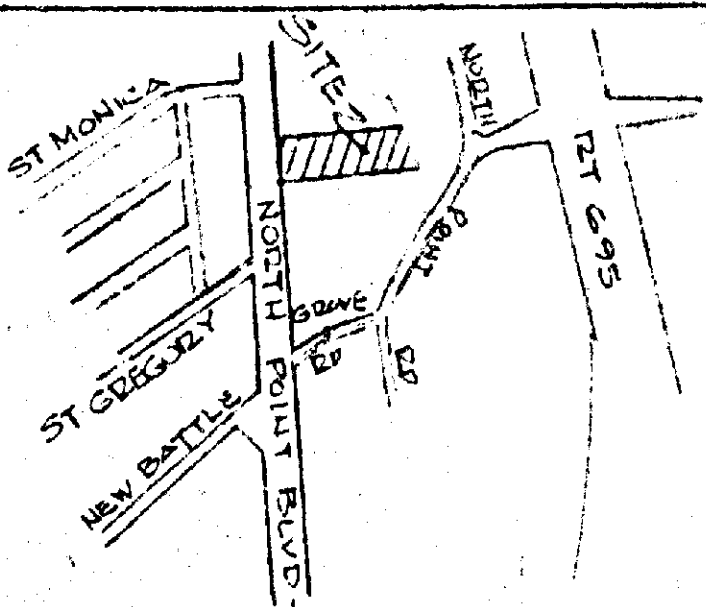


RECEIVED  
JUL 12 1968  
ZONING OFFICE  
88-424









LOCATION MAP  
SCALE 1" = 900'

NORTH POINT BLVD.

N 67°-22' E 592.90

S 67°-22' W 659.88

PROPERTY OUTLINE  
SCALE 1" = 100'

NORTH

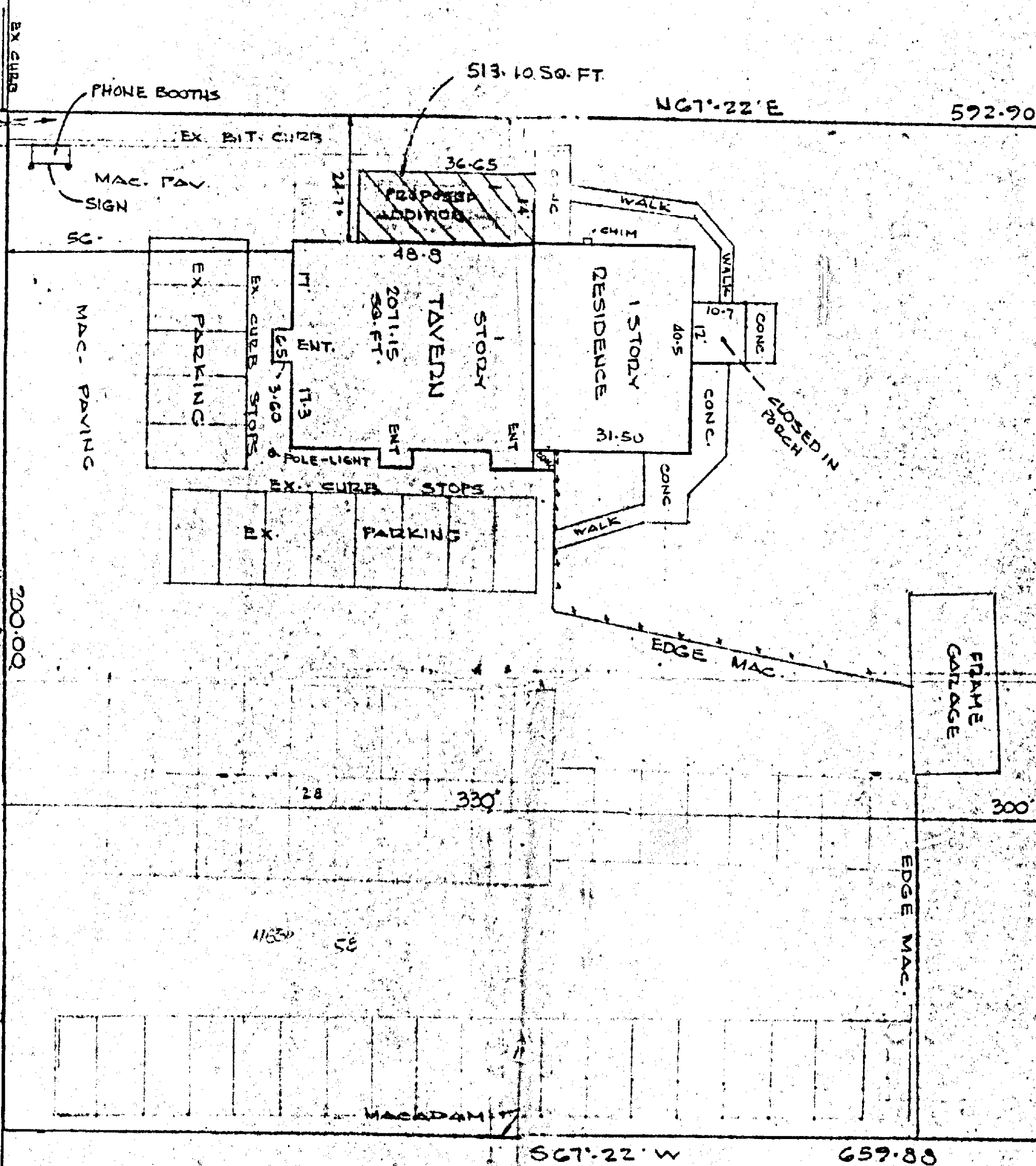
(150')

GRASS PLOT

CENTER LINE

POINT BLVD

LANE



EXISTING TAVERN = 2071.15 SQ. FT.  
PROPOSED ADDITION = 512.40 " "

TOTAL = 2983.55 SQ. FT. @ 1/50' = 52 SPACES

EXISTING DWELLING

= 1 SPACE

TOTAL = 53 SPACES

NO. OF SPACES PROVIDED

= 60 SPACES

**PETITIONER'S  
EXHIBIT A**

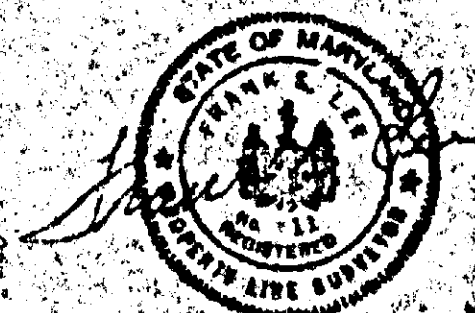
EXISTING USE - TAVERN - RESIDENCE  
PROPOSED USE - SAME  
EXISTING ZONING - MLC SI & ML IM  
PROPOSED ZONING - SAME  
AREA OF LOT = 2.87 AC.  
PUBLIC WATER & SEWER SERVICE LOT

**RECEIVED**

JUL 12 1988

ZONING OFFICE

88-429  
Revised Plans



FRANK S. LEE  
1277 NEIGHBORS AVE.  
BALTIMORE, MD. 21237

15TH DISTRICT BALTIMORE CO., MARYLAND  
SCALE 1" = 20'

DATE 1-30-82

6-23-88